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MULTIMEDIA UNIVERSITY

FINAL EXAM

TRIMESTER 1, 2017/2018

UVT 2612 – ENVIRONMENTAL LAW

(All Sections / Groups)

23 OCTOBER 2017

Reading Time: 9.00a.m – 9.15am

(15 Minutes)

Answering Time: 9.15am-12.15pm

(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of **Two** pages with **Four** Questions only.
3. **Attempt Either Question One A OR Question One B. Questions Two to Four are compulsory.** All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are allowed to bring in **CLEAN** and **ORIGINAL** copies of the statutes into the Examination Hall:
 - i) Environmental Quality Act 1974
 - ii) Local Government Act 1976
 - iii) Petroleum and Electricity (Control & Supplies) Act 1974
5. Please write all your answers in the Answer Booklet provided.

ATTEMPT EITHER**QUESTION 1A**

Ahmad recently started a company named Ahmad Petroleum Sdn Bhd dealing with petroleum production in Malacca. He has done his due diligence to comply with the requirements from Environmental Quality Act 1974 especially Section 34A. During a routine check by enforcement officers from the Malacca Department of Environment (DOE), Ahmad's company was charged for various offences relating to the environment under the said Act. These charges are listed out as follows:

Charge 1

Excessive discharge of unused propane and butane gases which exceed the acceptable limit specified under the law.

Charge 2

Illegal discharge of petroleum liquid waste into the sea from several pipelines located inside Ahmad Petroleum Sdn Bhd's oil platform into the Straits of Malacca.

Charge 3

Unending loud noises from the platform affecting the residents of Taman Klebang, located 3 kilometres from the platform.

Discuss the validity of the above mentioned charges, relevant punishments, and defences if available according the relevant statute. Ahmad was ordered to pay RM500,000 as provided under the Section 47 of the Act for all the charges imposed on him. He feels like the fine is too much and wishes to appeal. Advise him.

(TOTAL: 25 Marks)

OR

QUESTION 1B

Mutiara Shine Sdn Bhd is a cosmetic company that produces beauty and slimming products. In a routine audit by officers from the Department of Environment, the company has been found guilty of several offences relating to pollution of inland waters and atmosphere as stated under section 25 and 22 respectively of Environmental Quality Act 1974, resulting in heavy fines imposed on the company. Discuss the offences stated, penalty and defence if available, together with the appeal procedure.

(TOTAL: 25 Marks)

Continued...

ATTEMPT ALL QUESTIONS**QUESTION 2**

The Royal Commission on Environment of the United Kingdom defines pollution as 'the introduction by human into the environment, of substances or energy liable to cause hazards to human health, harm to living resources and ecological system, damage to structures or amenity or interference with legitimate uses of the environment.

Examine and explain the types of pollutions that are covered under the Malaysian Environmental Quality Act 1974.

(TOTAL: 25 Marks)

QUESTION 3

Examine and explain the concept and application of Public Interest Litigation in Malaysia with relevant statutes and case law.

(TOTAL: 25 Marks)

QUESTION 4

Under the principles of the United Nations Charter the Millennium Declaration identified principles and treaties on sustainable development, including economic development, social development and environmental protection. Broadly defined, sustainable development is a systems approach to growth and development and to manage natural, produced, and social capital for the welfare of their own and future generations.

Explain and discuss this concept by referring to relevant principles.

(TOTAL: 25 Marks)

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